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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 670 of 2005

Applicant		Meenu Prakash Rajak, s/o Mahadeo Rajak, aged about 25 yrs, Laboratory Attendant (Parichayak) Government College Dabhra, Distt. Bilaspur (M.P.)
	Versus	
Respondents	1.	State of M.P. (Now C.G.) through the Secretary Department of Collegiate Education Bhopal.
	2.	Director of Collegiate Education, Govt. of M.P. Bhopal
	3.	Additional Director, Directorate of Higher Education Bilaspur, Bilaspur, M.P.
	4.	Principal, Govt. College, Dabhra, Distt Bilaspur M.P.

APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Shri Rupesh Shrivastava, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the respondents.

O R D E R

(Passed on this 23rd day of April, 2007)

1. The petitioner has filed this petition for seeking quashing of the order dated 9.9.1992 (Annexure A/1), whereunder the services of the petitioner was terminated w.e.f. 10th September, 1992 on the ground that his appointment was not in accordance with the scheme of appointment.

2. Learned counsel appearing for the petitioner submits that the petitioner was appointed as Laboratory Assistant (Attendant) in the Government College, Dabhra, District – Bilaspur after selection by a duly constituted selection committee, vide order dated 2.3.1990 (Annexure A/3). He further submits that the services of the petitioner was terminated without following the principles of natural justice and without affording an opportunity of hearing.

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3. Learned counsel appearing for the respondents submits that similarly situated employee (Shri Jay Narayan Singh), whose services were terminated along with the petitioner, had filed O.A.No. 2766/1990, which was dismissed by the State Administrative Tribunal vide order dated 7.8.1992.

4. Be that as it may, the appointment of the petitioner was de-hors the constitutional scheme of the appointment and not in accordance with law. Thus, the petitioner has no right to the post. It is well settled now that a person appointed de-hors the constitutional scheme of the employment and not in accordance with Rules, Regulations, has no right to the post.

5. For the reasons above-stated, the petitioner is not entitled for reappointment/reinstatement in the service.

9. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur